

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

TELEPHONE CONFERENCE MINUTE ENTRY

United States of America,

Plaintiff,

v.

Edward S. Adams,

Defendant.

COURT MINUTES

BEFORE: Kate Menendez

U.S. Magistrate Judge

Case No: 17-cr-64-DWF-KMM

Date: 10/8/19

Location: Telephonic

Time Commenced: 11:00 a.m.

Time Concluded: 11:36 a.m.

Time in Court: 36 Minutes

APPEARANCES:

For Plaintiff: Joseph H. Thompson, Jordan L. Sing

For Defendant: Lance A. Wade, Gloria K. Maier, Deborah A. Ellingboe

The Court held a recorded telephonic proceeding to address Mr. Adam's Motion for Clarification or Reconsideration of the Court's Order (ECF No. 247) requiring him to provide advance notice of his intention to offer an advice-of-counsel defense at his upcoming trial. During the proceeding, Mr. Adams made clear that he does not presently intend to offer an advice-of-counsel defense as to any of the counts in the Indictment. The Court considers this notice to have satisfied Mr. Adams's obligations under its October 3, 2019 Order.

However, depending on how the government proves its case in chief and what evidence they introduce, Mr. Adams reserves the right to offer evidence related to communications with counsel that could, in theory, raise issues of waiver of privilege, though such evidence will not constitute invocation of a full advice-of-counsel defense. Specifically, if the government offers evidence about the 2014 tax filings that are tangentially related to the tax counts in the Indictment, such concerns may arise. The Court agrees that there is no present requirement to provide further notice than Mr. Adams has already. But the Court strongly encourages counsel to meet and confer to discuss whether either side intends to introduce evidence related to the 2014 filings so that issues of admissibility and possible waiver issues can be handled ahead of time if at all possible.

s/Kathy Thobe

Courtroom Deputy/Judicial Assistant